

Message Text

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ACTION NEA-07

INFO OCT-01 SS-14 ISO-00 HA-02 L-01 INR-05 CIAE-00
NSAE-00 NSCE-00 H-01 SP-02 PA-01 DODE-00 PM-03
EUR-08 EA-06 ICA-01 /052 W
-----069700 091744Z /45

R 090918Z JUL 78
FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC 8014
INFO AMEMBASSY DACCA
AMEMBASSY NEW DELHI
AMEMBASSY TEHRAN

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 6573

LIMDIS

E.O. 11652: GDS
TAGS: OVIP, SHUM, PINT, PK
SUBJECT: RAMSAY CLARK IN RAWLPINDI IN CONNECTION WITH BHUTTO APPEAL

1. FORMER ATTORNEY GENERAL RAMSAY CLARK CALLED ON ME ON
6 JULY TO DISCUSS HIS PRESENT MISSION TO PAKISTAN IN
CONNECTION WITH THE DEATH SENTENCE IMPOSED ON FORMER
PRIME MINISTER BHUTTO. HE SAID HE HAS BEEN INVOLVED FOR
SOME YEARS IN EFFORTS TO ABOLISH THE DEATH PENALTY
EVERYWHERE AND HE HAD TAKEN AN INTEREST IN THE BHUTTO
CASE BECAUSE OF A PHONE CALL FROM ONE OF THE YOUNGER
KENNEDY-LAWFORD OFF-SPRINGS WHO HAD KNOWN ONE OF BHUTTO'S
CHILDREN AT HARVARD. HE DID NOT SPECIFY THE SPONSORSHIP
OF HIS PRESENT EFFORT BUT ALLUDED TO HAVING WORKED IN
THE PAST WITH THE NATIONAL COUNCIL OF CHURCHES AND WITH
AMNESTY INTERNATIONAL.

2. HE SAID HE HAD JUST ARRIVED IN PAKISTAN ON
5 JULY AND HAD BREAKFASTED ON THE MORNING OF THE
6TH WITH BHUTTO'S TEAM OF LAWYERS. THEY TOLD HIM
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THAT THEY EXPECT THE CURRENT APPEAL COULD WIND UP AS
EARLY AS THE END OF JULY OR VERY EARLY AUGUST,
ESPECIALLY IF THE SUPREME COURT DOES NOT PERMIT THEM
TO GO INTO EVIDENTIARY PROCEEDINGS. THE NEXT PHASE
OF THE TRIAL WILL BE FORMAL ARGUMENT OF THE APPEAL,
FIRST BY THE DEFENSE, THEN BY THE PROSECUTION. AT
SOME POINT, IN AMERICAN TERMS, THEY WOULD NORMALLY

MAKE A MOVE FOR A RE-TRIAL, BUT THEY HAVE VERY LITTLE FAITH IN REVERSION TO THE LAHORE HIGH COURT WHERE THEY FEEL THEY DID NOT GET A FAIR TRAIL IN THE FIRST PLACE; CLARK WAS INCLINED TO AGREE, HAVING OBSERVED IN THE TRANSCRIPT THE CURIOUS EVIDENTIARY RULES THE COURT HAD FOLLOWED, AS WELL AS ITS IN-CAMERA SESSIONS AND ITS HANDLING OF BHUTTO'S NON-DEFENSE.

3. RATHER, HE SAID, HE THOUGHT THEY WOULD ATTEMPT TO MOVE FOR NEW EVIDNCE TO BE INTRODUCED INTO THE APPEAL. THIS WOULD HAVE THE EFFECT OF A RE-TRIAL IN MANY RESPECTS, WITH CROSS EXAMINATION BY THE DEFENSE OF PREVIOUS WITNESSES (OMITTED FOR MANY BUT NOT ALL WITNESSES BECAUSE OF BHUTTO'S NON-DEFENSE) AND WITH EVIDENCE TAKEN FROM NEW WITNESSES. IF THE COURT AGREES, THIS COULD PROLONG THE APPEAL WELL INTO THE FALL, POSSIBLY EVEN THROUGH THE END OF THE YEAR.

4. CLARK SAID HIS PRIMARY PURPOSE IS NOT TO RAKE UP THE OLD TRIAL--DESPITE HIS DOUBTS ABOUT IT AND HIS CONCERNS FOR THE WAY BHUTTO IS ALLEGED TO HAVE BEEN TREATED WHILE IN DETENTION DURING THE TRIAL. RATHER HIS CONCERN IS LIMITED TO HEADING OFF THE IMPLEMENTATION OF THE DEATH SENTENCE; HE SAID HE IS FUNDAMENTALLY OPPOSED TO THE DEATH SENTENCE FOR ANYONE. NORMALLY, HE SAID, INTERNATIONAL PUBLICITY CAN DO WONDERS, BUT HE FEARS CONFIDENTIAL

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THAT SHOULD THE COURT SESSION MOVE QUICKLY THROUGH THE ARGUMENT PHASE AND THE LAHORE HIGH COURT VERDICT BE UPHELD IN ALL ITS PARTICULARS, THERE MAY NOT BE TIME TO MOBILIZE WORLD OPINION BEFORE THE GENERALS ORDER THE SENTENCE CARRIED OUT.

5. AMBASSADOR FILLED CLARK IN ON OUR TWO APPEALS ON BEHALF OF BHUTTO, THE FIRST IN ISLAMABAD ON 19 MARCH, THE DAY AFTER THE SENTENCE WAS PRONOUNCED, THE SECOND "BY A WASHINGTON OFFICIAL". AMB NOTED THAT OUR APPEALS TOO HAD AVOIDED A JUDGMENT ON THE LAHORE COURT PROCEEDINGS BUT HAD FOCUSED RATHER ON THE NAGATIVE IMPACT IN THE US, AND HENCE ON BILATERAL RELATIONS.

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C O N F I D E N T I A L SECTION 2 OF 2 ISLAMABAD 6573

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6. AMBASSADOR AND POLCOUNS ALSO REMINDED CLARK OF NEED TO DEAL CAUTIOUSLY WITH ALLEGATIONS ON PRISON CONDITIONS AND OTHER MATTERS AS MADE BY YAHYA BAKHTIAR, BHUTTO'S COUNSEL. HE HAS LONG BEEN POLITICAL ALLIGNED WITH BHUTTO, IS PRONE TO OVERSTATEMENT, AND PLAYS HEAVILY TO THE GALLERY; IT WOULD BE WELL FOR CLARK TO HEAR OTHER POINTS OF VIEW BEFORE ACCEPTING ALL OF BAKHTIAR'S ALLEGATIONS.

7. AMB ACCEPTED, HOWEVER, THAT PENAL CONDITIONS IN THIS COUNTRY LEAVE MUCH TO BE DESIRED, THAT POLICE (AND JAILERS) CAN BE VINDICTIVE IF UNRESTRAINED, AND THAT BHUTTO IS A MAN WHO EXCITES STRONG PASSIONS BOTH PRO AND CON. AMB NOTED ALSO HIS PERSONAL BELIEF THAT EVEN THROUGH ARMY LEADERSHIP IS STRONGLY OF A MIND TO CARRY OUT SENTENCE IF IT IS UPHELD, GENERAL ZIA WOULD DECIDE IN THE END IN FAVOR OF CLEMENCY; HE NOTED THIS IS A VIEW NOT HELD UNANIMOUSLY EVEN IN THE EMBASSY, HOWEVER, AND THAT THERE ARE STRONG PRESSURES WITHIN THE SOCIETY, AMONG POLITICIANS, AND WITHIN THE MILITARY TO DO AWAY WITH BHUTTO ONCE AND FOR ALL, REGARDLESS OF THE STRONG COUNTERVAILING
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PRESSURES FROM THE SAUDIS, THE IRANIANS, THE TURKS, THE CHINESE, THE SOVIETS, THE US, AND MANY OF PAKISTAN'S ARAB FRIENDS TO SPARE THE FORMER PRIME MINISTER.

8. CLARK SAID HE PLANS TO STAY IN PAKISTAN AT LEAST UNTIL 11 JULY. HE SAID IT HAD BEEN SUGGESTED THAT HE ATTEMPT TO SEE GENERAL ZIA AND THAT HE SHOULD PERHAPS GO THROUGH A.K. BROHI, MINISTER OF LAW. AMB AGREED THAT WOULD

BE APPROPRIATE; ATTORNEY GENERAL PIRZADA MIGHT BE ANOTHER USEFUL POINT OF CONTACT. AMB SUGGESTED BROHI WOULD BE USEFUL ALSO AS SOMEONE TO EXPLAIN THE PRESENT TREND TOWARD MORE ORTHODOX ISLAMIC PUNISHMENTS IN THIS COUNTRY--ABOUT WHICH CLARK HAD ALSO EXPRESSED CONCERN --SINCE BROHI IS ALSO MINISTER OF RELIGIOUS AFFAIRS AND AN EXPERT ON ISLAMIC LAW.

9. CLARK SAID HE ALSO HOPES TO SEE BHUTTO. HE HAD BEEN TOLD BHUTTO IS IN THE CUSTODY OF THE COURT AND THAT IT WOULD NOT BE INAPPROPRIATE FOR HIM TO APPROACH THE COURT FOR PERMISSION. WE SAID WE ARE NOT SURE WHO--WHETHER THE COURT OR THE PUNJAB GOVERNMENT--OFFICIALLY HAS CUSTODY, BUT THAT WOULD ALSO BE AN APPROPRIATE QUESTION TO PUT TO BROHI AND/OR TO GENERAL ZIA. CLARK INDICATED HE WOULD WAIT UNTIL BROHI AND THE GENERAL RETURN FROM KARACHI ON THE 9TH AND WOULD MAKE HIS EFFORT THEN.

10. I TOLD CLARK THAT THERE HAD BEEN CONGRESSIONAL REQUEST FOR A USG ESTIMATE OF THE FAIRNESS OF THE LAHORE COURT TRIAL, THAT THIS EMBASSY DOES NOT HAVE THE EXPERTISE TO MAKE SUCH A JUDGEMENT, BUT THAT I UNDERSTOOD THAT THE LEGAL ADVISER'S OFFICE IS STUDYING THE MATTER. CLARK SAID HE WOULD CONSULT THE DEPARTMENT'S LEGAL ADVISER SOME TIME

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NEXT WEEK IN WASHINGTON.

1. I UNDERSTAND, AFTER THE ABOVE WAS WRITTEN, THAT CLARK SPENT THE WEEKEND IN RAWALPINDI WITH THE BHUTTO LAWYERS AND WITH BENAIZIR BHUTTO, THE FORMER PRIMIN'S DAUGHTER. THE URDU PRESS PICKED UP ON HIS PRESENCE IN PAKISTAN ON 9 JULY, BOTH JANG AND NAWA-I-WAQT REPORTING HIS ATTENDANCE AT SATURDAY'S SESSION OF THE SUPREME COURT. CLARK WAS IDENTIFIED AS "CHIEF" OF THE ACLU AND "ASSOCIATED" WITH AMNESTY INTERNATIONAL; WHILE HE WILL SUBMIT A REPORT TO THESE ORGANIZATIONS ON HIS RETURN, HE INDICATED HE IS IN PAKISTAN ON HIS OWN, THAT HE HAD COME TO SEE THE SUPREME COURT PROCEEDINGS, AND THAT HE HOPES TO MEET WITH GENERAL ZIA AND WITH FORMER PRIMIN BHUTTO BEFORE HE LEAVES PAKISTAN ON 11 JULY. JANG ALSO REPORTED, WITHOUT COMMENT, CLARK'S HAVING MET WITH ME. HUMMEL

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